

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEMS PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL 2327

ETHICON WAVE 9 CASES LISTED IN
EXHIBIT A TO PLAINTIFFS' NOTICE OF
ADOPTION

JOSEPH R. GOODWIN U.S. DISTRICT
JUDGE

**NOTICE OF ADOPTION OF PRIOR DAUBERT RESPONSE OF
ROBERT ROGERS, M.D., FOR WAVE 9**

Plaintiffs filed a Notice of Adoption [Dkt. 8281] in the Wave 9 cases identified in Exhibit A to their Notice¹ adopting their *Daubert* Motion to Preclude Testimony of Defense Expert Robert Rogers, M.D., and Supporting Memorandum from Ethicon Wave 2 [Dkt. 2417 (motion) and 2466 (memorandum)]. The Court previously overruled most of Plaintiffs' objections to Dr. Rogers's testimony, [Dkt. 3545]. Defendants hereby adopt and incorporate by reference the *Daubert* response filed in relation to Robert Rogers, M.D., in Ethicon Wave 2, [Dkt. 2488]. Defendants respectfully request that the Court deny Plaintiffs' motion, for the reasons expressed in the Wave 2 response briefing and as adopted by this Court in its prior ruling.

Respectfully submitted,

/s/ William M. Gage

William M. Gage (MS Bar #8691)
Butler Snow LLP
1020 Highland Colony Parkway
Suite 1400 (39157)

¹ The following cases listed on Plaintiffs' Exhibit A have been dismissed without prejudice: Meredith Lloyd-Duncan (No. 2:12-cv-09153) and Melinda Novelli (No. 2:16-cv-03576). Plaintiffs' Notice is therefore moot as to these cases. Should these cases be revived, Ethicon hereby adopts its prior *Daubert* briefing for those cases as stated herein.

P.O. Box 6010
Ridgeland, MS 39158-6010
(601) 985-4561
william.gage@butlersnow.com

/s/ Susan M. Robinson
Susan M. Robinson (W. Va. Bar #5169)
Thomas Combs & Spann PLLC
300 Summers Street
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 24338
(304) 414-1800
srobinson@tcspllc.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage
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